United States District Court
Southern District of Texas

ENTERED

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

AUAURUS (134 2024

Nathan Ochsner, Clerk
CLERA, U.S. DISTRICT OF TEXAS
BY

DIOGU KALU DIOGU II, individually, and on behalf of all others similarly situated,

Plaintiff,

v.

DAVID R. JONES, in his official and individual capacity; THE HONORABLE EDUARDO V. RODRIGUEZ, in his official capacity, as the Chief Judge of the United States Bankruptcy Court for the Southern District of Texas, Houston Division; THOMAS MICHAEL O'CONNOR, in his official capacity, as the Commandant, U.S. Marshal, Southern District of Texas,

Defendants.

Civil Action No. 4:23-CV-03959-AM

ORDER

IT IS ORDERED that the Defendant David R. Jones's motion to dismiss [ECF No. 22] be GRANTED because the Plaintiff's case, including his requested relief, is effectively an improper collateral attack on a pending bankruptcy matter. *Lakeland W. Cap. 41, LLC v. Diogu*, No. 22-3164 (Bankr. S.D. Tex.) (bankruptcy matter); *Diogu v. Lakeland W. Cap. 41, LLC*, 4:23-cv-3709 (S.D. Tex.) (appeal of bankruptcy matter).

IT IS ORDERED that to the extent the Plaintiff Diogu Kalu Diogu II moved for a preliminary injunction through the First Amended Complaint [ECF No. 9], that motion be **DENIED AS MOOT**.

IT IS FURTHER ORDERED that this case be DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of the Court administratively close this case.

SIGNED and ENTERED on this

ALIA MOSES

day of August, 2024

Chief United States District Judge